



Patent US 232
Attorney Docket 612,404-384
[formerly Docket 267/156]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

YING HUANG et al.

Serial No. 10/072,660

Filed: February 6, 2002

For: DIELECTROPHORETIC SEPARATION &
IMMUNOASSAY METHODS ON ACTIVE
ELECTRONIC MATRIX DEVICES

Group Art Unit: 1753

Examiner: Alan D. Diamond

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

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Sir:

I, David B. Murphy, represent that I am an attorney of record for the above-identified application. NANOGEN, INC. (hereinafter referred to as "NANOGEN") is the owner of 100% interest in the above-identified invention by virtue of assignment from the inventors. The assignment from the inventors to NANOGEN was recorded in the Patent and Trademark Office on August 6, 2002, on Reel 013181, Frame 0578.

NANOGEN hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of U.S. Patent Nos. 6,071,394 and 6,280,590. Moreover, NANOGEN hereby agrees that any patent so granted on the above-identified

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(37 CFR §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313.

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Denise Doss
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application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent Nos. 6,071,394 and 6,280,590, this agreement to run with any patent granted on the above-identified application and to be binding upon NANOGEN, its successor, or assigns.

NANOGEN does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration dates of the full statutory terms of U.S. Patent Nos. 6,071,394 and 6,280,590 in the event that they later expire for failure to pay a maintenance fee, are held unenforceable, are found invalid, are statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.312(a), has all claims canceled by a reexamination certificate, or are otherwise terminated prior to expiration of their statutory terms as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

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Respectfully submitted,
O'MELVENY & MYERS LLP

Dated: Nov. 16, 2004

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